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O. R. Hilo

THE FORESTRY BILL.

Senator Woods presents arguments in harmony with sound public policy in his minority report of the Committee on Public Lands, which appears in its entirety in the summary of Saturday's legislative proceedings elsewhere. It does not accord with reasonable ideas of a proper distribution of the responsibilities of the system of government here established that the administration of the forestry branch of its functions should be taken away from the Board of Agriculture and Forestry in the vital matter of deciding, or even advising, when and under what eircumstances part of a forest reserve, the setting apart of which that body had originally recommended, should be surrendered to agricultural purposes. Senator Woods places the question in its common-sense bearing when he points out that the Board is charged with the interests of agriculture equally with those of forestry. That its members should, upon any occasion, be apt to refuse assent to a bona fide proposition of changing a piece of forest land into fruitful fields, when the transformation gave promise of public benefit, is therefore a notion too absurd to be for one moment entertained.

Probably the strongest appeal in the minority report-that is, for those who hold but slight regard for the principles of constitutional balance in the distribution of governmental powers-is the manifest warning it gives of danger to the continued development of the Territory's forestry policy that has most promisingly been inaugurated. Large owners of private lands, whose co-operation in setting apart forest reserves the Board is eagerly soliciting, are po itively declared by Senator Woods to be opposed to the proposed amendment of the law, to the extent of being determined to call off all further negotiations for having them surrender any of their lands to public forestry purposes should the measure pass. This would no doubt mean the taking out of the account of forest propagation many thousands of acres, the forestation of which might otherwise be accomplished, to the great benefit of both public and private interests, under the expert governmental supervision now established.

A Hilo kick is one of the most "not unexpected" things imagination can conceive. Most commonly it anticipates the grievance at which it is dealt, Thus, growling about "the continuous drouth," the Herald of that town says: "In the olden days a rain storm often followed an eruption at Kilauea, but no such good thing accompanied the present outbreak, so that the old saying, 'all signs fail in dry weather,' is true in this instance." How like Hilo! Couldn't give time for the kindlingwood ashes to fall through the grate bars of the volcano before it cried petulantly for the accompaniments of a full-blown eruption. The lament was uttered on Thursday. On Friday all Hilo was hiking for the umbrella stand and the town itself again-a Maid of the Mist bathing her feet in a thousand torrents.

When the Alameda arrives a large corps of newspaper correspondents may be expected to amble down the gangway. The Stanford case gave promise of more than a nine days' lease of public interest on the mainland when the ocean ferryboat sailed.

ATTORNEY BALL ENGAGING STEAMERS UP NORTHWEST!

(Continued from page 1.)

such a contingency by stopping immigrants from leaving Japan for America, but it cannot stop them from leaving Hawaii. There are agents from the coast in various parts of the islands now. They are describing the attractions of California and other Pacific coast states in glowing terms. They represent Pacific coast men who want some cheap laborers on the coast. They are expected to fill the steamers which are to be placed on the run. Without such steamers, no less than 6096 laborers left Hawaii for California last year, while those returned to Japan foot up to 5789. Only about half that number came here from Japan What is Hawaii to do for labor if the

exodus continues? The unfortunate situation is due in large part to the action of the local steamship companies in throwing so many difficulties in the way of Japanese who try to book passages for the coast in the regular way. Such intending passengers have been compelled to produce passports and comply with all sorts of illegal and unnecessary conditions which were imposed only as obstacles. They have been compelled to employ brokers and pay large fees for the purchase of tickets. The new steamers are a result of this. Had the regular steamship companies carried on business with Japanese in the regular way, the proposed competing steamers could not have hoped to be successful. The travel by the regular steamers would not have been so large as it will be if it be in crowds of laborers whose landing all at once will attract the attenPUBLIC UTILITY FRANCHISES.

The bill to grant a franchise to build a railroad through Honolulu and around Cahu, and the announced intention of the Automatic Telephone people to apply for a telephone franchise, make it germane to consider the principles and conditions upon which "public utility franchises" should be granted and operated; and also the mutual duties, obligations and rights of the public toward the holders of such franchises and of such holders toward the public.

By "Public Utility Franchises" are meant special powers to do something or furnish something which the community in general, or a large proportion thereof, need to have done or furnished, and which involves, to a greater or less extent, the use of public property, or rights, or powers.

Such franchises are also known as "Natural Monopolies," for the reason that in their very nature there can be only one, or at most a very few, in a given area, and consequently there can be little or no competition.

Examples of such franchises are those giving the right to furnish water, electric light and power, telephones, and operate general and street railroads, all of which involve the use of public streets, or the power to condemn and take private property.

Local examples of public utility franchises reserved to and operated by the public are the supplying of Honolulu with water, and the lighting of the streets and public buildings.

Examples of public utility franchises which the public have permitted to be operated by corporations are the Oahu Railroad, the Electric Light Company, the Telephone Company and the Rapid Transit Company.

The guiding star which should control the granting or with holding of public utility franchises should be the PUBLIC INTER-EST. Private benefit or profit should be subordinated thereto.

If the conditions are such that the public interest is best promoted by conducting or furnishing a given utility through the medium of the government, then a franchise for such purpose should not be granted to private parties; but the public itself should furnish and operate the necessary plant.

It frequently happens, however, that the public treasury is not in a financial condition to undertake the enterprise; or its success is so problematical that the legislature and responsible officials do not feel justified in spending money in that way. In such case it is proper to grant a franchise, under proper restrictions, to private

A public utility franchise should not be granted, however, to evéryone who asks it.

The granting of a franchise, even though in its terms it is not exclusive, involves an unwritten pledge of good faith, on the part of the public, that the grantee of the franchise will be given a fair opportunity to make the enterprise successful. In other words, if a franchise has been granted to establish a telephone system in a field where there is only business enough for one system, it would not be good faith, nor in the public interest, to grant a second franchise covering the same ground, before the first grantee has had a full opportunity to instal the system; nor after the system is installed, if a good service is being given, at reasonable prices, and under reasonable rules and conditions.

Exclusive of any moral reasons in support of the exercise of such good faith, there are three practical, utilitarian reasons why it is good business policy to so act. First, if there were a probability of a second franchise for the same purpose in an area where there was business enough for only one, it would render it difficult and frequently impossible to secure capital with which to establish the enterprise.

Second, if the enterprise is established, it is not policy to so cripple it by competition as to render it unprofitable. Prosperous citizens and enterprises make a prosperous community, whereas bankrupt citizens and losing enterprises are a detriment to the whole

Third, if there is one enterprise of a kind, in prosperous condition, with the spur behind it that if it does not give a reasonably cheap and efficient service, a competing franchise will be granted, it will be much more likely to extend and improve its service and give the public the best of its kind, than will be the case if there are two competing enterprises, each either losing money or struggling to make both ends meet. In the one case there will be progress. In the other, stagnation and retrogression.

On the other hand, if good faith on the part of the public requires that the grantee should be given reasonable opportunity to establish the enterprise for which he has been granted a franchise, there are correlative obligations on the part of seekers for a Natural Monopoly franchise.

The seeker for a franchise should come out in the open, disclose who he is; who his associates are; what his means are, or his ability to enlist others to finance the enterprise. If a particular franchise is to be tied up for a year, or several years, to allow the grantee time in which to float the enterprise, the public, who are the "parties of the other part," are entitled to the fullest knowledge as to whom they are dealing with, and whether the promoters are men of substance and responsibility, or whether they are mere speculators; whether they are intending to create and own the enterprise as an investment, or are securing something to sell out.

Again the public good faith that protects from ruinous competition, entitles the public to a like good faith on the part of the franchise holders, that they will give the public the best of service at reasonable rates, and that the methods of conducting the enterprise will advance with the advancement of knowledge upon the subject. The good enough of today is the obsolete of tomorrow and whether the franchise requires the changes to be made or not, the public is under no obligations to permit a monopoly which does not keep abreast of the times. If such a monopoly does exist, the proper remedy is either for the government itself to undertake the service, or, if responsible persons can be found, to grant a second franchise and throw all possible public support to the new franchise holders.

It may prove profitable to apply the foregoing principles to existing and proposed public utility franchises in Honolulu.

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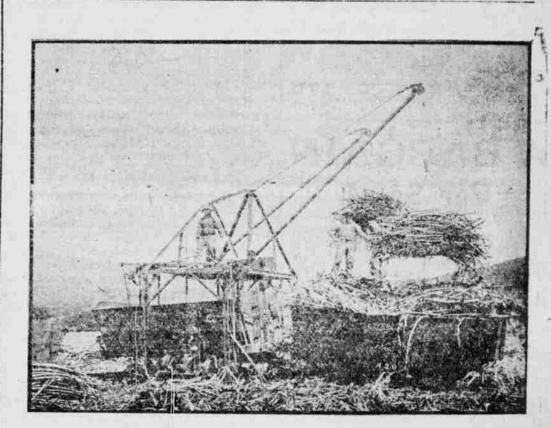
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